

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN DOUGLAS HOUSTON,)
)
Plaintiff,)
)
v.) Case No. CIV-25-133-SLP
)
DAMON DEVEREAUX, et al.,)
)
Defendants.)

O R D E R

Before the Court is the Report and Recommendation (R&R) of United States Magistrate Judge Suzanne Mitchell [Doc. No. 12]. The Magistrate Judge recommends that the Court dismiss this action in its entirety for failure to comply with Federal Rule of Civil Procedure 8 and failure to state a claim upon which relief may be granted. *Id.* at 7-10.¹ The Magistrate Judge advised Plaintiff of his right to file an objection to the R&R on or before March 21, 2025, and that failure to timely object would waive the right to appellate review of the factual and legal questions contained therein. *Id.* at 23.

¹ The Magistrate Judge also recommends dismissal of this action because: (1) Plaintiff's official capacity claims against District Attorney Matthew Adams are barred by sovereign immunity; (2) Plaintiff's individual capacity claims against Mr. Adams are barred by prosecutorial immunity; (3) Plaintiff's claims for equitable relief against the Logan County jail officials are moot because he is no longer incarcerated there; (4) Plaintiff fails to allege an official policy or custom as required to state a claim for county or municipal liability against Defendants Devereaux, Brown, and Lester in their official capacities; and (5) Plaintiff fails to state a claim against Defendant Devereaux in his individual supervisory capacity. *Id.* at 10-20. Alternatively, the Magistrate Judge recommends that the Court abstain under *Younger v. Harris*, 401 U.S. 37, 53-54 (1971) due to Plaintiff's ongoing revocation proceeding in Logan County, Oklahoma. R&R [Doc. No. 12] at 20-22.

To date, no objection has been filed, nor has an extension of time in which to object been sought. Upon review, the Court concurs with the R&R in full and finds this action should be dismissed without prejudice.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 12] is ADOPTED and this matter is DISMISSED without prejudice. A separate judgment of dismissal shall be entered contemporaneously herewith.

IT IS SO ORDERED this 3rd day of April, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE